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STAFF RECOMMENDATION**ON CONSISTENCY DETERMINATION**

Consistency Determination No.	CD-077-05
Staff:	LJS-SF
File Date:	6/10/2005
60 th Day:	8/9/2005
75 th Day:	8/24/2005
Commission Meeting:	7/13/2005

FEDERAL AGENCY: **Bureau of Land Management**

PROJECT
LOCATION: California Coastal National Monument (Exhibits 1 and 2)

PROJECT
DESCRIPTION: Resource Management Plan

SUBSTANTIVE FILE
DOCUMENTS:

1. CD-085-04, Bureau of Land Management, Resource Management Plan for King Range National Conservation Area, Humboldt and Mendocino Counties.
2. CD-070-04, Bureau of Land Management, Interim Management Plan for Stornetta Public Lands, Mendocino County.
3. CD-052-02, Bureau of Land Management, Interim Management Plan for Humboldt Bay South Spit, Humboldt County.

EXECUTIVE SUMMARY

The Bureau of Land Management (BLM) has submitted a consistency determination for a proposed Resource Management Plan (RMP) for the California Coastal National Monument (CCNM). The CCNM was established on January 11, 2000, by Presidential Proclamation under the authority of the Antiquities Act of 1906. The proclamation states that the purpose of the CCNM is to protect and manage geologic and biological resources of all the unappropriated or unreserved lands and interest in the lands owned or controlled by the United States in the form of islands, rocks, exposed reefs, and pinnacles above mean high tide within 12 nautical miles of the shoreline of the State of California. The RMP states that within this 14,600 square-nautical-mile offshore region (identified by the proclamation as the CCNM Corridor) are approximately 20,000 rocks and small islands which comprise the CCNM.

The CCNM does not include any ocean waters, any of the California mainland, the eight large Channel Islands off the southern California coast, or the Farallones Islands cluster off San Francisco Bay. The CCNM consists solely of the aforementioned rocks and small islands (whose area totals approximately 1,000 acres when measured above mean high tide). The rocks and islands of the CCNM are public lands owned by the United States since 1848 and, for many decades, administered by the Secretary of the Interior through the BLM. The BLM's proposed RMP only applies to the CCNM and not to the other islands within the CCNM Corridor, to the ocean waters surrounding the CCNM, or to the California mainland.

The goals of the RMP are to: (1) protect the geologic formations and the habitat they provide for biological resources of the CCNM; (2) protect the scenic and cultural values associated with the CCNM; (3) provide and promote research opportunities to understand the resources and values of the CCNM; (4) provide the public with interpretive information and educational initiatives regarding the values and significance of the CCNM and the fragile ecosystems of the California coastline; and (5) coordinate planning and management activities with the numerous jurisdictions on and adjacent to the CCNM. The consistency determination is part of a phased review of BLM management of the CCNM, where further consistency or negative determinations will be submitted to the Commission for future development that could affect marine resources, water quality, public access and recreation, environmentally sensitive habitat, visual resources, or cultural resources of the coastal zone.

The RMP states that the remoteness and difficult access common to the offshore rocks of the CCNM have left marine habitat and wildlife conditions relatively unchanged over time. However, certain types of human activities that occur on the CCNM and in ocean waters surrounding the monument's rocks and islands can disturb marine birds and mammals, particularly if they occur during sensitive breeding or nesting periods. The RMP proposes no management changes or development on the CCNM that would generate any adverse impacts to aquatic or terrestrial habitats in the adjacent waters and lands of the coastal zone. The proposed RMP is consistent with the marine resource and water quality policies of the CCMP (Coastal Act Sections 30230, 30231, and 30234.5).

The rocks, islands, and reefs that make up the CCNM are for the most part inaccessible to most recreationists due to their small individual size, location in the rugged surf zone, and lack of landing areas. The RMP calls for the BLM to protect the unique and primitive coastal-oriented recreational resources that exist within the CCNM, and to avoid management actions or development on the CCNM that would generate any adverse impacts to coastal access or recreation in the adjacent lands or waters of the coastal zone. The proposed RMP is consistent with the access and recreation policies of the CCMP (Coastal Act Sections 20210-14, 30220, 30221, and 30223).

The plant habitats of the CCNM are not as conspicuous or well known as wildlife resources but their presence is critical to the ecological functioning of many of the larger rocks and islands of the monument. The RMP calls for the BLM to inventory and protect the unique terrestrial habitats that exist within the CCNM, and it proposes no management or development in the CCNM that would generate any adverse impacts to environmentally sensitive habitat in the adjacent lands or waters of the coastal zone. The RMP is consistent with the environmentally sensitive habitat policy of the CCMP (Coastal Act Section 30230).

Some of the most spectacular ocean views in the United States are located along the California coast, and all CCNM lands meet the BLM's Visual Resource Management Class I standards. The RMP proposes no development on the CCNM that would generate any adverse impacts to scenic views to or along the shoreline, and it calls for the BLM to continue to protect the outstanding visual resources that exist within and towards the CCNM from the coastal zone. The RMP is consistent with the visual resource policy of the CCMP (Coastal Act Section 30251).

Native populations along the coast have used offshore rocks and islands as temporary landing areas, resource procurement locations, and habitation sites for approximately 10,000 years, and historical literature and photographs show that offshore rocks and islands were used for multiple purposes since the arrival of Europeans to the California coast. The RMP contains provisions for surveying cultural and archaeological resources, and for coordination with and participation by Native Americans in surveys, monitoring, protection, and interpretation of cultural and archaeological resources. The RMP is consistent with the cultural and archaeological resource policy of the CCMP (Coastal Act Section 30244).

STAFF SUMMARY AND RECOMMENDATION

I. Project Description. The Bureau of Land Management (BLM) proposes to implement a Resource Management Plan for the California Coastal National Monument (CCNM). The CCNM was established on January 11, 2000, by Presidential Proclamation under the authority of the Antiquities Act of 1906. The proclamation states that the purpose of the CCNM is to protect and manage geologic and biological resources of all the unappropriated or unreserved lands and interest in the lands owned or controlled by the United States in the form of islands, rocks, exposed reefs, and pinnacles above mean high tide within 12 nautical miles of the shoreline of the State of California (**Exhibits 1-3**). The Proposed Resource Management Plan (RMP) states that within this 14,600 square-nautical-mile offshore region (identified by the proclamation as

the CCNM Corridor) are approximately 20,000 rocks and small islands which comprise the CCNM.

The CCNM does not include any ocean waters, any of the California mainland, the eight large Channel Islands off the southern California coast, or the Farallones Islands cluster off San Francisco Bay. The CCNM consists solely of the aforementioned rocks and small islands (whose area totals approximately 1,000 acres when measured above mean high tide). The BLM reports that the largest of the rocks and islands within the CCNM is just over 10 acres in size and the smallest may be no larger than a square foot. The rocks and islands of the CCNM are public lands owned by the United States since 1848 and have long been administered by the Secretary of the Interior through the BLM. The BLM's proposed RMP only applies to the CCNM and not to the other islands within the CCNM Corridor, to the ocean waters surrounding the CCNM, or to the California mainland.

The CCNM is comprised of land owned and controlled by the BLM. Section 304(1) of the Coastal Zone Management Act excludes from the coastal zone all lands held in trust by or whose uses are subject solely to the discretion of the federal government. Notwithstanding this exclusion, if proposed activities on excluded lands could affect land or water uses or natural resources of the coastal zone, those activities must be reviewed for consistency with the California Coastal Management Program (CCMP). It is in this context that the Commission is reviewing the proposed Resource Management Plan for the CCNM for consistency with the CCMP. (In two recent similar actions, in January 2005 the Commission concurred with CD-085-04 for a Resource Management Plan for the BLM's King Range National Conservation Area in Humboldt and Mendocino Counties, and in October 2004 the Commission concurred with CD-070-04 for an Interim Management Plan for the BLM's Stornetta Public Lands in Mendocino County.)

The goals of the RMP are to:

- *Protect the geologic formations and the habitat they provide for biological resources of the CCNM.*
- *Protect the scenic and cultural values associated with the CCNM.*
- *Provide and promote research opportunities to understand the resources and values of the CCNM.*
- *Provide the public with interpretive information and educational initiatives regarding the values and significance of the CCNM and the fragile ecosystems of the California coastline.*
- *Coordinate planning and management activities with the numerous jurisdictions on and adjacent to the CCNM, and use the CCNM to help enhance cooperative and collaborative initiatives and partnerships with a variety of communities, agencies, organizations, academic institutions, the public, and other stakeholders.*

The RMP contains a combination of general and specific objectives, management actions, and allowable uses for the CCNM, and is the subject of this consistency determination. However, the consistency determination also states that:

Any construction of facilities and/or other ground-disturbing activities to support CCNM management and interpretation will undergo additional assessment, and could include National Environmental Policy Act (NEPA) assessment and federal consistency determinations. This consistency determination is part of a phased review of BLM management of the CCNM, where further consistency or negative determinations will be submitted to the Commission for future development that could affect the coastal zone.
[emphasis added]

The consistency determination outlines the RMP's specific, resource-focused management actions in twelve resource categories (**Exhibit 4**):

1. Geologic, Soil, and Paleontological Resources – Management actions allow for data recovery where unique paleontological resources are threatened by natural processes or human activity, development of management criteria for identifying resources requiring protection, ongoing educational and interpretive programs, and research and inventory of monument resources.

2. Cultural Resources – Management actions include protection of cultural resources eligible and potentially eligible for listing in the National Register of Historic Places, consultation with Native American tribes to gather information about traditional use areas and activities, ongoing educational and interpretive programs, and research and inventory of monument resources.

3. Vegetation Resources – Management actions include development of management criteria for identifying resources requiring protection, site inventory of vegetation and vegetation communities, application of a tiered adaptive management approach, invasive non-native plant species control, ongoing educational and interpretive programs, and research and inventory of monument resources.

4. Wildlife Resources – Management actions include development of management criteria for identifying resources requiring protection, site inventory of wildlife and wildlife habitat, application of a tiered adaptive management approach, invasive non-native wildlife species control, implementation of measures to restore or improve habitat and to control predators, and ongoing educational and interpretive programs.

5. Visual Resources – Management actions include completion of visual contrast ratings for existing and proposed CCNM facilities, and inventory of existing and potential key scenic vista points along road and trail corridors adjoining the CCNM.

6. Recreation – Allowed recreation for the monument will consist of primitive non-motorized, non-mechanized activities. Management actions allow for limited placement of recreation facilities on the monument, installation of signage at key locations along the mainland regarding the allowed and prohibited recreational uses of the CCNM, ongoing educational and interpretive programs, and research and inventory of recreation-related topics.

7. Education and Interpretation – Management actions allow for limited placement of educational and interpretive facilities on the monument, development of an Education and Interpretation Plan, development of a series of CCNM Gateways to serve as visitor contact points, and informational or interpretive kiosks or panels at un-hosted visitor sites. New mainland facilities will be constructed to applicable standards. Section 2.3.3 of the PRMP/FEIS describes the planning and development process for locating future CCNM Gateways; additional NEPA analysis and federal consistency determination will be conducted following site selection.

8. Research – Permits will be required for scientific studies on CCNM land that involve fieldwork or specimen collection with the potential to disturb resources. In coordination with the core-managing partners, BLM will develop research/monitoring permit stipulations that will be used by all three agencies in permitting and sharing research related to the CCNM.

9. Land Use Authorizations – Management actions include exchange and/or acquisition only where it would further the resource protection purposes of the CCNM.

10. Land Tenure Adjustments – Applications for use of CCNM lands will be considered on a case-by-case basis, and any facilities (e.g., aids-to-navigation) will be constructed to applicable standards.

11. Special Management – Maintaining the Area of Critical Environmental Concern (ACEC) designation, with its name changed to the California Coastal ACEC, will enhance protection of CCNM resources. The monument will be managed to protect its wilderness characteristics.

12. Cadastral Support – Management actions include continued efforts to clarify land ownership, surveying of changes in land ownership status, and development of a survey strategy to guide cadastral work for the CCNM.

The consistency determination also provides that:

The CCNM management framework focuses all actions toward protection of CCNM resources but clearly recognizes that existing withdrawals, reservations, and appropriations of BLM lands will not be affected by the RMP. The framework also makes clear that establishment of the CCNM does not enlarge or diminish the jurisdiction or authority of the

State of California or the United States over the waters and submerged lands that surround the monument's rocks and islands. [emphasis added]

In addition, the RMP provides information on the “overarching umbrella of management” under which specific management actions will occur on the CCNM. The RMP states that attention will be paid to four equally important aspects of the CCNM management approach – preservation, landscape, partnerships, and communities:

Preservation is the primary management focus for the CCNM, and is comprised of four primary elements: protection, research, education, and planning.

Landscape is the ecosystem focus for the CCNM, and is comprised of the following dimensions: physical, biologic, and cultural.

Partnerships provide the collaboration focus for the CCNM, and is comprised of core-managing partners, collaborative partners, and stewards.

Communities is the community involvement focus for the CCNM, and the establishment of “Gateways” will serve as visitor contact points or portals for the CCNM.

The RMP identifies three priorities for management of the CCNM:

- Protecting CCNM Resources and Resource Values
- Developing and Maintaining Partnerships
- CCNM Site Characterization.

In addition, the BLM identified in the RMP three focal points for its initial management initiatives on the CCNM to ensure that the RMP implementation contains specific actions that begin to produce visible results:

CCNM Gateways. CCNM visitor gateways will be located at various points along the California coast; they are intended to provide a sense of place for this unique monument, bring the monument into focus, and link the CCNM with local communities and initiatives. The first five priority CCNM gateways include one in each of the five BLM coastal field offices: Piedras Blancas/San Simeon, Point Arena, Pigeon Point, Lost Coast/Shelter Cove, and Palos Verdes Peninsula.

Seabird Conservation. Seabirds, shorebirds, and pinnipeds are the most prominent wildlife on the CCNM. Of these, seabirds have received the least attention. There is very little information on the status of most of the seabird colonies in the CCNM. Because the rocks and small islands of the CCNM provide important habitat to seabirds for roosting, resting, nesting, breeding, and brooding, the CCNM can help to fill the gaps in the seabird

inventories along the California coast and can serve as a focal point for seabird conservation initiatives.

Tidepool Connections. The CCNM is associated with much of the state's rocky intertidal coastal zone. Therefore, the monument is connected with many of California's unique tidepool areas. Although tidepools exist primarily below mean high tide and are therefore outside the CCNM, some of the pools' features extend above mean high tide and are part of the monument. Connection with a wide variety of California's tidepools provides the CCNM with the opportunity to serve as a vehicle to help develop and coordinate a California coast-wide initiative related to tidepool education and protection.

The RMP also includes a section on general management guidance for the CCNM, including sub-unit identification (**Exhibit 3**):

Due to the sheer geographic spread and the substantial variability in physical, biological, and jurisdictional conditions along the length of the California coast, the CCNM corridor has been subdivided into 36 sub-units. These sub-units were developed as preliminary divisions to facilitate tailored management based on region-specific management issues . . . While some of the sub-units do not contain rocks or islands that are a part of the CCNM, they were designated to ensure comprehensive coverage of the entire coastline. The sub-units are considered preliminary, and the number, location, and definitions of these sub-units may be altered in the future through the RMP's adaptive management approach.

The RMP includes a monitoring and adaptive response program. Implementation of the RMP will be monitored to ensure that management actions follow prescribed management directions, meet desired objectives, and are based on accurate assumptions. The goals for the monitoring and evaluation program are as follows:

- *Provide the basis for long-term adaptive management and ongoing planning,*
- *Assess compliance with environmental laws, and*
- *Ensure that direction on the Presidential Proclamation is fulfilled.*

To that end, the top priorities for coordinated monitoring currently include the following:

- *Seabird use of CCNM rocks and islands,*
- *Pinniped use of CCNM rocks and islands,*
- *Human activities in the vicinity of important seabird and pinniped use areas, and*
- *Effects of human activities on important biological resources.*

The RMP notes that other monitoring priorities will be based on the importance of and threat to the particular resource, and that specific consideration will be given to monitoring topics and indicators that index entire ecosystems and yield information regarding multiple topics.

II. Federal Agency's Consistency Determination. The Bureau of Land Management has determined the project consistent to the maximum extent practicable with the California Coastal Management Program.

III. Staff Recommendation.

The staff recommends that the Commission adopt the following motion:

MOTION: I move that the Commission **concur** with consistency determination CD-077-05 that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the California Coastal Management Program (CCMP).

Staff Recommendation:

The staff recommends a **YES** vote on the motion. Passage of this motion will result in a concurrence with the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

Resolution to Concur with Consistency Determination:

The Commission hereby **concurs** with the consistency determination by the Bureau of Land Management, on the grounds that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the CCMP.

IV. Findings and Declarations:

The Commission finds and declares as follows:

A. Marine Resources and Water Quality. The Coastal Act provides the following:

Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and

substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30234.5. The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

The CCNM is comprised solely of small islands and rocks measured above mean high tide and does not include any surrounding ocean waters. The RMP examines the marine resources of the CCNM:

Nineteen species of marine birds and predatory birds consistently use offshore rocks for breeding in California. One of these is listed as endangered under ESA, two are listed as endangered under CESA and are fully protected species in California, and seven are considered California species of special concern.

. . . a small complement of shorebirds uses the lower elevations of CCNM rocks for feeding, primarily during migration and winter.

. . . There is very little information on the status of most of the seabird colonies in the CCNM.

. . .

*Seven marine mammal species regularly use offshore rocks for hauling out or breeding (Table 3.3-3). Three of these, the Guadalupe fur seal (*Arctocephalus townsendi*), Steller sea lion (*Eumetopius jubatus*), and sea otter (*Enhydra lutris*), are listed as threatened under ESA. The northern elephant seal (*Mirounga angustirostris*) and sea otter are fully protected species in California. Harbor seals (*Phoca vitulina*) and California sea lions (*Zalophus californianus*) are common on many of the rocks along the coast. Both species typically choose sites that are sheltered from disturbance by human activities although, in some areas, the animals have acclimated to chronic human disturbance. Steller sea lions possibly breed on a few of the remote CCNM rocks in northern California. The other species are found primarily on larger islands (fur seal and elephant seal), the mainland (elephant seal), and in the water (sea otter).*

The CCNM's rocks and islands host a variety of intertidal and terrestrial vertebrates. The intertidal invertebrates occupy areas that are periodically inundated by very high tidal stages or wave action above mean high tide. Because of the variations in coastal exposure to wave action and winds, there is variation in the invertebrate life forms that are found above the mean high tide line from one location to another along the coast. In some locations with open exposure, invertebrates normally found below the mean high tide mark are able to survive above this mark due to splash zone inundation. This condition places some of these invertebrates within the jurisdiction of the CCNM.

The RMP states that in general, the remoteness and difficult access common to the offshore rocks of the CCNM have left marine habitat and wildlife conditions relatively unchanged over time. However, the RMP also notes that certain types of human activities (e.g., maintenance of navigation aids, boating, fishing, diving) that occur on the CCNM and in ocean waters surrounding the monument's rocks and islands can disturb marine birds and mammals, particularly if they occur during sensitive breeding or nesting periods.

The BLM addresses the management and protection of marine resources by incorporating objectives, management actions, and allowable uses into the RMP, organized under an operating framework:

Objectives: maintain habitat for native populations of seabirds, pinnipeds, and intertidal species throughout the monument; restore habitat that has been adversely affected by human activity or non-native invasive species.

Management Actions: develop criteria for identifying wildlife species and habitat types requiring management and protection; inventory wildlife and wildlife habitats (including seabird and pinniped populations, invasive wildlife species, and intertidal species); use adaptive management activities (e.g., education, enforcement, restoration, restrictions); develop and implement a program for the control and eradication of invasive wildlife species; develop and implement habitat restoration and improvement measures; develop interpretive and educational programs.

Allowable Uses: activities that harm wildlife resources and/or access to particular sites may be restricted on a seasonal basis where known conflicts with wildlife exist; management restrictions will be implemented on a site-specific basis

Operating Framework: BLM will work with federal, state, and local partners on endangered species management within the framework of pre-existing regulations; enforcement of use restrictions and existing wildlife protection laws will be conducted in cooperation with a range of law enforcement agencies; a tiered approach to adaptive management of wildlife will be used.

The consistency determination states that the primary purpose of the CCNM is protection of the valuable geological, biological, and cultural resources on offshore rocks and islands, and that:

BLM recognizes that CCNM lands are critical in maintaining and enhancing marine resources, and will work collaboratively with DFG, DPR and a variety of other partners, including both governmental and non-governmental organizations, to ensure that CCNM lands are protected to the greatest extent practicable.

. . .

Water quality and human health at proposed CCNM Gateways on the mainland will be protected through adequate surface and wastewater treatment methods in compliance with

applicable federal and state regulations. Any new facilities with potential for adverse effects will be subject to additional environmental review under NEPA (MA-EDU-5), as well as federal consistency determinations in the future when site-specific information is available.

The RMP proposes no management changes or development on the CCNM that would generate any adverse impacts to aquatic or terrestrial habitats in the adjacent waters and lands of the coastal zone. The RMP calls for the BLM to continue to protect the unique aquatic and terrestrial habitats that currently exist within the CCNM. With these commitments, the marine resources, water quality, and environmentally sensitive habitats of the adjacent coastal zone would not be adversely affected by CCNM development activities or management decisions. The BLM has also committed in the subject consistency determination to submit additional consistency and/or negative determinations to the Commission for any future projects or management decisions on the CCNM that hold the potential to adversely affect marine resources or water quality in the coastal zone. Therefore, the Commission finds that the proposed RMP will not adversely affect marine habitats or water quality of the coastal zone, and that the RMP is consistent with the marine resource and water quality policies of the CCMP (Coastal Act Sections 30230, 30231, and 30234.5).

B. Public Access and Recreation. The Coastal Act provides the following:

Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) Adequate access exists nearby, or,*
- (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

...

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to

66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred

Section 30214.

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The RMP examines the public access and recreation resources of the CCNM:

The rocks, islands, and reefs that make up the CCNM are for the most part inaccessible to most recreationists due to their small individual size, location in the rugged surf zone, and lack of landing areas. Therefore, on-island recreation is generally restricted to a few locations where the rocks can be reached from the mainland at low tide or where there is a safe access point from the water. Beyond on-island recreation, recreational activities in the water adjoining the monument, in the air, and on the mainland overlooking the monument can be affected by management activities and in turn can affect the natural and cultural features of the monument.

The RMP notes that the analysis of recreation management is limited to recreational activities that occur on the CCNM itself, as the BLM does not have jurisdiction to regulate activities in the water, land, or airspace surrounding the CCNM. The BLM addresses recreation on the CCNM by incorporating objectives, management actions, and allowable uses into the RMP, organized under an operating framework:

Objectives: provide for non-mechanized, minimal-impact recreational opportunities; construction of recreational facilities on the CCNM will be minimal.

Management Actions: focus on providing appropriate user experience, recreational facilities, signage, research, and educational materials.

Allowable Uses: recreational use of the CCNM will be allowed when consistent with the primitive, non-motorized, non-mechanized goals and when consistent with proclamation goals and public safety concerns; recreational facilities placed on the monument only when consistent with the resource protection goals of the RMP; fishing from the CCNM will be allowed in accordance with the general fishing regulations; the entire CCNM is designated as closed to vehicle travel under the BLM OHV regulations; no camping on the CCNM; no launching or landing of any motorized or non-motorized aircraft; no rock climbing using assistive devices unless authorized for research, restoration, or public health and safety.

Operating Framework: visitors encouraged to participate in recreation that is respectful of the biological, cultural, physical, and scenic values of the monument; health and safety of visitors is a central theme in managing recreation on the monument; BLM does not plan to regulate recreation that is not within the boundaries of the CCNM; recreation in adjacent areas could in some instances affect monument resources; BLM will work with those entities responsible for management of recreation access to the coast to participate in decisions regarding recreation adjacent to monument lands; research to better define the extent, nature, and value of recreational opportunities of the monument will be encouraged.

The BLM also addresses education and interpretation of the CCNM by incorporating objectives and management actions into the RMP, organized under an operating framework:

Objectives: provide opportunities for year-round interpretation and education; integrate with existing interpretive programs on coastal ecosystem resources; use existing mainland facilities to minimize the need for additional mainland facilities.

Management Actions: place educational and interpretive facilities on the monument only when consistent with the resource protection goals of the RMP; develop an Education and Interpretation Plan; develop a series of CCNM Gateways to serve as visitor contact points and information centers, and will link the CCNM with local communities and initiatives; any new facilities with the potential for adverse effects will be subject to additional NEPA review.

Operating Framework: use mainland facilities to the maximum extent for educational and interpretive programs; develop a “Virtual Monument” using a variety of media (e.g., internet, CD-ROM) and technologies (e.g., interactive maps, web-based geographic information systems, live cameras); use interpretive themes (e.g., CCNM is a refuge from mainland activities, represents a connection between the land and sea) to guide the design of educational and interpretive materials.

The consistency determination notes that management actions for the CCNM will not interfere with the public’s right of access to the mainland coast or beaches along the California shoreline and are limited to only CCNM rocks and islands. The twelve initial CCNM Gateways and CCNM waysides may include new development outside the CCNM; such development is not part of this consistency determination and would be subject to the permitting regulations under the Coastal Act and/or federal consistency review. The BLM has committed to work with the California Department of Parks and Recreation, Caltrans, and local cities and counties to ensure that any future access and recreation facilities associated with the CCNM are developed in a manner consistent with state and local access and recreation policies.

The consistency determination states that where known conflicts with wildlife exist:

. . . seasonal access restrictions to the CCNM will be implemented. Management intervention normally will begin with the least restrictive approach (e.g., use ethics education), with seasonal access limitations implemented as a last resort. Such use limitations will be implemented only on a site-specific basis where known resource impacts exist and will use a science-based process to determine what limits are appropriate (for example, known roosting, nesting, and pupping seasons for seabirds and marine mammals on that site).

The consistency determination concludes by noting that the CCNM is a pristine coastal resource with important geologic, marine, terrestrial, cultural, scenic, and economic values, and that only minimal impact access and recreational activities (e.g., wildlife viewing, photography,

recreational fishing, and other primitive non-motorized, non-mechanical activities) will be allowed on the monument.

The RMP proposes to avoid management actions or development on the CCNM that would generate any adverse impacts to coastal access or recreation in the adjacent lands or waters of the coastal zone. The RMP calls for the BLM to protect the unique and primitive coastal-oriented recreational resources that exist within the CCNM. The BLM has committed in the consistency determination to submit additional consistency and/or negative determinations to the Commission for any future projects or management decisions in the CCNM that hold the potential to affect public access or recreational resources of the adjacent lands and waters of the coastal zone. Therefore, the Commission finds that the proposed RMP will not adversely affect public access and recreation in the coastal zone, and that the RMP is consistent with the access and recreation policies of the CCMP (Coastal Act Sections 20210-14, 30220, 30221, and 30223).

C. Environmentally Sensitive Habitat. The Coastal Act provides the following

Section 30240.

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The RMP summarizes environmentally sensitive habitat on the CCNM:

Although the vegetative resources of the CCNM are not as conspicuous or well known as the wildlife resources, their presence is critical to the ecological functioning of many of the larger rocks and islands of the monument. Nevertheless, almost nothing is known about the distribution of special-status species on the offshore rocks and island.

There are no databases documenting the terrestrial vegetation present in the CCNM . . . very little is known of the botanical character of the smaller islands and rocks in the CCNM, particularly in northern California. Most of these offshore features lack soil sufficient to support complex vegetation.

There are no databases documenting the intertidal vegetation present in the CCNM.

The consistency determination addresses the protection of environmentally sensitive habitats on the CCNM:

. . . the primary objective of the CCNM is the protection of sensitive geological, biological, and cultural resources on offshore rocks and island. On-monument activities that would result in loss of native lands will not be allowed on the monument, unless otherwise

permitted through BLM's normal procedures for granting access for research or other activities (AU-VEG-1). Where known conflicts with wildlife exist, seasonal access restrictions to the CCNM will be made (AU-WLD-1). Such use limitations will be implemented only on a site-specific basis where known resource impacts exist and will use a science-based process to determine what limits are appropriate.

Construction of recreation and interpretive facilities on the mainland will be built to applicable standards and will be subject to additional environmental review under NEPA (MA-EDU-5), as well as federal consistency determinations in the future when site-specific information is available.

The BLM addresses the management and protection of environmentally sensitive habitat by incorporating objectives, management actions, and allowable uses into the RMP, organized under an operating framework:

Objectives: maintain the natural quality and integrity of native vegetation on the CCNM; restore the quality and integrity of native vegetation where it has been determined to be impaired as a result of human activities or non-native invasive species.

Management Actions: criteria will be developed for identifying the plant species and communities requiring management and protection; an inventory of vegetation and vegetation communities will be maintained; identify rocks and islands in need of management attention; implement adaptive management in education, enforcement, restoration, and use restrictions; develop an invasive non-native plant species management and eradication program, using an integrated pest management approach; invasive non-native control measures primarily will consist of manual and mechanical removal, and fire; the use of herbicides will be addressed using the NEPA process and will be made available for public comment; develop education and interpretive materials.

Allowable Uses: on-monument activities that would result in the loss of native plants will not be allowed on the monument, unless otherwise permitted through BLM's normal procedures for granting access for research or other activities; use limitations will be implemented only on a site-specific basis where known resource impacts exist and will use a science-based process to determine what limits are appropriate.

Operating Framework: use a tiered approach to adaptive management of native vegetation; first tier develops criteria for identifying locations needed management action; second tier performs an inventory and monitors vegetation and human use of the CCNM; third tier implements management actions as needed; encourage research to better define the extent, nature, and value of the vegetation resources of the CCNM.

The RMP proposes no management or development in the CCNM that would generate any adverse impacts to environmentally sensitive habitat in the adjacent lands or waters of the coastal zone. The RMP calls for the BLM to inventory and protect the unique terrestrial habitats that exist within the CCNM. With these commitments, the environmentally sensitive habitats of the

adjacent coastal zone would not be adversely affected by CCNM development or management decisions. The BLM has also committed in the subject consistency determination to submit additional consistency and/or negative determinations to the Commission for any future projects or management decisions in the CCNM that hold the potential to affect environmentally sensitive habitats in the coastal zone. Therefore, the Commission finds that the proposed RMP will not adversely affect the coastal zone, and that the RMP is consistent with the environmentally sensitive habitat policy of the CCMP (Coastal Act Section 30230).

D. Visual Resources. Section 30251 of the Coastal Act provides:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The RMP summarizes the visual and scenic resources of the CCNM:

Some of the most spectacular ocean views in the United States are located along the California coast. The California Coastline encompasses one of the most dramatic landscapes in the world, and the offshore rocks and islands are an integral component of the area's outstanding scenic quality. Protection of the CCNM scenic attributes was a key factor in the area's designation as a national monument. The monument proclamation begins with: "The islands, rocks, and pinnacles of the California Coastal National Monument overwhelm the viewer, as white-capped waves crash into the vertical cliffs or deeply crevassed surge channels and frothy water empties back into the ocean."

The coastal character varies greatly between sunny southern California to the shady forests of the north. Views are defined by qualities including perfect sights of ocean waves breaking on rocky shorelines and cliffs, dozens of historical landmarks like Spanish missions and Spanish settlements, and the opportunities to participate in numerous types of outdoor recreation.

The islands and rocks of the CCNM represent a key visual element defining the wild coastline for which California is known. Steep cliff faces rise out of turbulent waters that have eroded away solid rock over hundreds of years to leave monolithic rock behind. Views of arching sea stacks stand monumental amidst crashing waves. This is a dynamic landscape of beauty that commands the viewer's attention.

As visual resources along the coast, the rocks and islands create distinctive visual patterns and serve as striking and memorable landscape components. In their natural setting, the CCNM's features represent a landscape that is free from encroaching elements, with high

visual integrity. The visual coherence and compositional harmony of the rocks and islands, when considered as a whole, provide a unified landscape that defines the western edge of California.

The RMP states that BLM's Visual Resource Management (VRM) system provides a way to identify and evaluate scenic values to determine the appropriate levels of management and protection. BLM's VRM system consists of three components:

- 1. Inventory (establish visual resource inventory classes).*
- 2. Land use allocation (establish VRM classes).*
- 3. Analysis (conduct project-level visual resource contrast rating).*

The first two components are completed as part of the RMP process. They were performed on a landscape/area-wide scale and were used to establish a baseline for project-level analysis. The analysis component is a more detailed site-level process that is completed on an as-needed basis as projects are proposed.

There are four VRM Inventory/Management classes. Class I is defined as follows:

Class I: *The objective of this class is to preserve the landscape's existing character. This class allows for natural ecological changes and only very limited types of management activities and uses. Any contrasts with the natural landscape must be minimal and not attract attention. This class is reserved for specially designated areas, such as wilderness, or the most highly scenic areas.*

The RMP further states that the inventory stage of the VRM system involves:

. . . identifying the visual resources of an area and assigning them to classes, using BLM's visual resource inventory process. The process involves rating the relative visual appeal of a tract of land, measuring public concern for scenic quality, and determining whether the tract of land is visible from travel routes or observation points.

The RMP concluded that:

- The entire CCNM is characterized as having very high scenic quality.
- Viewer sensitivity for the entire monument is considered high.
- State Highway 1 and U.S. 101 border much of the immediate coastline, and parks, scenic overlooks and other locations of high viewer sensitivity are located along the entire coastline.
- All monument lands meet VRM Class I inventory standards.

The BLM addresses the management and protection of visual resources by incorporating objectives, management actions, and allowable uses into the RMP, organized under an operating framework:

Objectives: manage all monument lands as VRM Class 1, except where safety requirements for navigational aid visibility would conflict with this objective; enhance opportunities for visitors and residents to view the outstanding scenic landscapes characteristic of the CCNM.

Management Actions: complete visual contrast ratings for existing CCNM facilities and identify opportunities to reduce existing visual impacts; complete visual contrast ratings for proposed surface-disturbing projects to ensure they meet VRM class objectives; complete an inventory of existing and potential key scenic vista points along road and trail corridors adjoining the CCNM, and identify opportunities to work with core-managing and collaborative partners to improve these locations as overlooks and interpretive sites available to the public.

Allowable Uses: any new development on BLM lands will be located and designed so that they do not detract from coastal vistas; new facilities will be constructed so that no or minimal impacts occur to the immediate coastal viewshed; where on-monument navigation aids are determined to be the only reasonable solution, efforts will be made to balance the need to provide for navigation safety while minimizing visual impacts.

Operating Framework: work with county governments, the California Coastal Commission, the USCG, and other agencies with management jurisdiction to ensure that coastal developments do not detract from the scenic integrity of the area; locate and design any new CCNM-related facilities on the mainland (for instance, on BLM partner lands) so that these facilities do not detract from coastal vistas; new facilities will be constructed so that no or minimal impacts occur to the immediate coastal viewshed.

The RMP proposes no development on the CCNM that would generate any adverse impacts to scenic views to or along the shoreline. The RMP calls for the BLM to continue to protect the unique and outstanding visual resources that currently exist within and towards the CCNM. With this commitment, the visual resources of the adjacent coastal zone – views to and along the shoreline and offshore waters – will also be protected. The BLM has committed in the subject consistency determination to submit additional consistency and/or negative determinations to the Commission for any future projects in the CCNM that hold the potential to affect the visual resources from the adjacent lands or waters of the coastal zone. Therefore, the Commission finds that the proposed RMP will not adversely affect the visual resources of the coastal zone, including the views of the CCNM from the adjacent lands and waters of the coastal zone, and is consistent with the visual resource policy of the CCMP (Coastal Act Section 30251).

E. Cultural Resources. Section 30244 of the Coastal Act provides:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The RMP addresses cultural resources on the CCNM:

California's offshore rocks and islands have been used by humans for approximately 10,000 years. Native populations along the coast used offshore areas as temporary landing areas, resource procurement locations, habitation sites, and landmarks for both offshore and onshore navigation . . . Ethnographic data indicate that offshore rocks and islands play an important role in mythology and cosmology, and may include burial grounds or meeting areas.

Historical literature and photographs show that offshore rocks and islands have been used for multiple purposes since the arrival of Europeans to the California coast.

The BLM addresses the management and protection of cultural resources by incorporating into the RMP numerous objectives, management actions, and allowable uses, organized under an operating framework:

- Objectives: protect, inventory, and interpret cultural resources.
- Management Actions: develop initial management strategy, determine eligibility of cultural resources for listing in the National Register of Historic Places, prepare cultural resource management plans, consult with Native American tribes on traditional use areas and activities, develop education and interpretive programs, and encourage research.
- Allowable Uses: Native American traditional activities consistent with preservation of biological, physical, and cultural resources on the monument.
- Operating Framework: BLM Statewide Protocol Agreement, consultation with Native American tribes, monitoring and protection of cultural resources, education and interpretation, and research.

The consistency determination states that:

CCNM management will actively protect and preserve natural and cultural resources, including archeological and paleontological resources. On-monument activities that would harm the cultural resources will be limited or prohibited. Inadvertent or unanticipated discoveries will be treated according to the terms of the BLM Statewide Protocol Agreement (AU-CUL-2).

The RMP cites state and federal laws and regulations regarding the management and protection of cultural and archaeological resources that may pertain to the CCNM. The RMP contains provisions for surveying cultural and archaeological resources, project-specific environmental assessments, coordination with the State Historic Preservation Office (SHPO), and coordination with and participation by Native Americans in surveys, monitoring, protection, and interpretation of cultural and archaeological resources. The BLM has committed to submit consistency and/or negative determinations to the Commission for future projects in the CCNM that hold the potential to affect cultural or archaeological resources located within the adjacent lands or waters of the coastal zone. Therefore, the Commission finds that the RMP will not adversely affect cultural and archaeological resources in the California Coastal National Monument or in the coastal zone, that necessary coordination with SHPO will occur, and that the RMP is consistent with the cultural and archaeological resource policy of the CCMP (Coastal Act Section 30244).